Supreme Court, U. S.
FILED
AUG 30 1975
MICHAEL RODAK, JR., CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1975

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NO. 75-326

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HARRIS COUNTY, TEXAS

Petitioner

v.

ENVIRONMENTAL PROTECTION AGENCY

Respondent

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PETITION FOR WRIT OF CERTIORARI TO
THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

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IN THE

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PETITION FOR WRIT OF CERTIORARI TO
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Harris County, Texas, petitions for a Writ of Certiorari to review the decision and judgment of the Fifth Circuit Court of Appeals rendered in State of Texas et al. v. Environmental Protection Agency, No. 73-3540.

OPINION BELOW

The opinion of the Court of Appeals of August 7, 1974 (App. A. attached to the petition for Writ of Certiorari of Exxon Corporation et al. filed in this Court) is reported at 499 F2d 289.

JURISDICTION

The judgment of the Court of Appeals was entered on August 7, 1974. Petitioner's motion for clarification of judgment was denied on April 5, 1975. On June 30, 1975, an extension of the time to file this petition for writ of certiorari to and including August 31, 1975 was granted (No. A-1070). The jurisdiction of this Court is invoked under 28 U.S.C. §1254(1).

HARRIS COUNTY'S POSITION

In the interest of brevity and in order to avoid duplicitous argument, the petitioner herein incorporates by reference and adopts in toto the petition for writ of certiorari filed by petitioners Exxon Corporation, Shell Oil Company, Amoco Oil Company, and Atlantic Richfield Company, and says that said petition is beyond reproach as assertions and authorities.

Harris County, Texas has always had a justiciable interest in this suit by virtue of, among other concepts, the doctrine of parens patriae (Hawaii v. Standard Oil Company of California, 92 S. Ct. 885, 1972; Louisiana v. Texas 176 U.S. 1, 1900). Harris County has a general duty to protect the general welfare of its 2,000,000 citizens and we pursue this matter as trustee, guardian and representative of the people. The facially ridiculous E.P.A. "implementation plan" under attack herein will, without dispute, injure and adversely affect the 2,000,000 citizens of Harris County by creating a tremendous risk of explosion in the midst of the County's petro-chemical complex. This risk will be created by the mandatory use of wholly unproven vapor recovery equipment. This great risk has been certified in writing to the E.P.A. by the United States Coast Guard. Further the "plan" under attack herein can, by the virtual admission of E.P.A. have no beneficial effect whatever upon the general health of the people of this region, and only

miniscule or non-measurable effect upon the oxidants in the air, but will patently have a terrific adverse impact upon our economy. This is so because the "plan" requires only barges used in this region to be retrofitted with the multi-million dollar, experimental equipment. There is no alternative means of transportation for the energy products involved, which constitute the life blood of these United States. In typical "Fed-Think" fashion, the E.P.A. has wholly disregarded all of these and other monumental problems incident to their edicts, and proceeded with their "plan." The E.P.A. has been forced by the rule of reason to retract virtually all of their other "plans" for the Harris County area, but refuse to concede error as to the one herein. It is now up to this Honorable Court to intervene for the reasons stated in the adopted materials.

Respectfully submitted,

JOE RESWEBER, County Attorney

By
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CERTIFICATE OF SERVICE

I hereby certify that three printed copies of the foregoing Petition For Writ Of Certiorari to the United States Court of Appeals for the Fifth Circuit have been mailed this 29th day of August, 1975, postage prepaid to:

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